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Admitted to PA & NJ Bars

April 22, 2020

VIA ECF

Honorable Douglas E. Arpert,
U.S.M.J.
Clarkson S. Fisher Federal
Bldg. & U.S. Courthouse
402 E. State Street
Trenton, NJ 08608

**RE: *Lawson, et al v. Praxair, et al*
Civil Action No. 3:16-cv-02435**

Dear Judge Arpert:

As you are aware, this firm represents the Plaintiffs in the above-captioned matter.

On April 8, 2020, Your Honor conducted a telephone status conference with the parties in this case regarding completing fact discovery. Among the issues discussed at that time was proceeding with fact witness depositions in light of current COVID-19 related restrictions. Your Honor determined that depositions in this case would be “paused” for 30 days. At that time, the parties would notify this Court of any impediments to proceeding with depositions. Your Honor also requested that the parties submit a letter to the court by April 22, 2020 identifying the remaining specific fact witnesses to be deposed. The fact discovery deadline in this case was extended to June 30, 2020. Following the status conference, this Court entered an Order at ECF 307 regarding the status conference.

All parties remain committed to moving forward in good faith with fact witness depositions and discovery in this matter.

A. Praxair Witnesses to Be Deposed by Plaintiffs

- Joe Million

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- Alain Lefevre
- Michael Erwin
- 30(b)(6) corporate designee related to ESI issues.

Plaintiffs reserve the right to take additional depositions in this matter based upon information learned in upcoming depositions and/or additional documents produced by the parties in discovery.

B. Praxair Witnesses to Be Deposed by UMCP

UMCP intends to first depose the following Praxair witnesses:

- Kevin Brady
- Ken Zusi
- Martin Frith
- 30(b)(6) corporate designee(s)

As agreed upon with Praxair's counsel, once these depositions have been completed, UMCP will assess whether additional depositions are necessary. UMCP specifically reserves its right to depose additional Praxair witnesses, including, but not limited to, Don Recchio and Joe Homick.

C. Praxair's Outstanding Depositions

1. Depositions of Plaintiffs

Praxair intends to depose Plaintiffs Agnes Lawson and her husband, Cassius Lawson.

2. Depositions of UMCP witnesses:

Praxair intends to depose some or all of the UMCP fact witnesses listed below, (depending on what it learns in the first two depositions) starting with Mr. Joseph Leone and UMCP's 30(b)(6) designee(s).

1. Barbara Christiano -Chief Nursing Officer and Vice President, Patient Care Services and identified by UMCP in its Initial



Disclosures as a person reasonably likely to have discoverable information.

2. Pritee Coulianidis – physical therapist believed to be in patient room where incident occurred.

3. James Demetriades – Vice President, Professional Services, identified as individual involved in hospital's investigation following incident.

4. Esli Espada - one of the primary nurses caring for patient in room where incident occurred and identified by UMCPP in its Initial Disclosures as a person reasonably likely to have discoverable information.

5. Lauren Firman – Mrs. Lawson's supervisor and identified by UMCPP in its Initial Disclosures as a person reasonably likely to have discoverable information.

6. Greg Grabe – physical therapy aide believed to be in the patient room on day of the accident and identified by UMCPP in its Initial Disclosures as a person reasonably likely to have discoverable information.

7. Jayanti Ingle - Director, Inpatient and HomeCare Rehab Services, believed to be involved in oxygen safety education and identified by UMCPP in its Initial Disclosures as a person reasonably likely to have discoverable information.

8. Al Leone – Director of Engineering, involved in recall and pertinent dealings with Plainsboro Fire Department and identified by UMCPP in its Initial Disclosures as a person reasonably likely to have discoverable information.

9. Gary Snyderman - Director of Nursing, involved in investigation regarding oxygen cylinders

10. Glenn Zirbser – Assistant Treasurer, involved with Praxair business, involved in investigation regarding incident.



11. Praxair reserves the right to add to this list based on information obtained from yet-to-be-deposed witnesses and yet-to-be-produced documents.

12. Praxair also reserves the right to re-depose Mr. Dingle and Mr. Hogle based on newly produced documents by UMCPP.

3. Praxair's Depositions of non-party witnesses

Praxair intends to depose the following non-party witnesses:

Todd O'Malley, Middlesex County Prosecutor's Office

D. Witnesses to Be Deposed by Western

The Western Defendants ("Western") adopt and join in the request to conduct depositions of each of the same witnesses as those identified by Praxair.

Independently, Western intends to depose the following witnesses:

1. Dee Balasingham – Ms. Balasingham is one of the primary nurses believed to be in patient room where incident occurred.
2. Jennifer Hollander – Ms. Hollander is Director, Patient Care Services, and believed to be involved in oxygen cylinder management and training.
3. Lopa Patel – Ms. Patel is Clinical Educator and GetWell System Manager, involved in UMCPP oxygen safety education.

Thank you for your courtesies in this matter.

Respectfully submitted,

/s/ Frank Mangiaracina

FRANK MANGIARACINA
NEIL T. MURRAY



NTM:ntm

cc: Honorable Harry G. Carroll (via email & ECF)

All counsel of record ((via email & ECF)

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